



PETITION NUMBER:	0805-VU-01
SUBJECT SITE ADDRESS:	231 Poplar Street
APPELLANT:	Artus Realty & Development, David Leazenby
REQUEST:	This variance of use request is to allow for office uses in the MF-1 District (WC 16.04.040, A1).
CURRENT ZONING:	MF-1
CURRENT LAND USE:	Residential
APPROXIMATE ACREAGE:	0.28
RELATED CASES:	None
EXHIBITS:	1. Staff Report, 05/13/08 2. Aerial Location Map, 05/13/08 3. Property Card, 05/13/08 4. Appellant's Application and Plans, 04/10/08
STAFF REVIEWER:	KMT

PROPERTY HISTORY

There are no previous variances, special exceptions, subdivision plats, development plan, site plan, rezoning, or code enforcement cases for the subject property.

ANALYSIS

The submitted application is to allow for a conversion of an existing residential structure to a garden office-type of building. The plans do not call for any demolition or expansion of the existing site improvements. Because the property would be converting from a residential use to a non-residential use, additional off-street parking may have to be accommodated. Parking requirements cannot be established at this time, because an exact tenant has not been identified and the terms of the parking ordinance outline requirements based on "assignable office area" (WC 16.04.120, 2j). Once a tenant has been identified, parking will have to be addressed.

The subject property is located in the area identified by the Westfield-Washington Township Comprehensive Plan as Downtown Westfield. The Comprehensive Plan identifies a need to revitalize Westfield's downtown. The Comp Plan identifies the Park Street area as a potential area for redevelopment and conversion (p. 74). The Plan further identifies office uses as appropriate Downtown (p. 75). The zoning ordinance, however, does not anticipate conversions in the downtown area. Further, since the adoption of the Comprehensive Plan, the zoning ordinance has not yet been amended to accommodate conversions in Downtown Westfield.

The June 2006 draft "Master Plan for the Downtown Core" includes the subject parcel in the "Transportation Oriented" area of the downtown in each of the three (3) potential future land



use plans. The “Transportation Oriented” use classification allows for a broad range of uses that cater to the automobile by allowing drive-thru businesses, parking with easy access, and increased signage.

The Westfield Thoroughfare Plan classifies Park Street as a Local Street. A future frontage road is anticipated to be constructed along or near Poplar Street. The frontage road would be classified as a Collector Street, but the exact location and design of the new roadway has not been determined.

PROCEDURAL

A Board of Zoning Appeals shall approve or deny variances of use from the terms of the zoning ordinance. The board may impose reasonable conditions as a part of its approval. A variance may be approved under IC 36-7-4-918.4 only upon a determination in writing that:

STANDARDS FOR USE REQUEST

1. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Finding: It is unlikely that the approval of the requested variance of use would be injurious to the public health, safety, morals, and general welfare of the community. The community has expressed a desire, through the recent Comprehensive Plan update, to revitalize Downtown Westfield. The Comprehensive Plan specifically lists the conversion of existing residential structures to business uses as a possible tool for implementing that vision and goal. The requested variance of use exemplifies and implements the stated goals and plans of the community.

2. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Finding: It is unlikely that the value of the area adjacent to the property included in the variance of use will be affected in a substantially adverse manner. A mix of residential and nonresidential uses is anticipated and accepted as necessary for a healthy, vibrant central business district. As Downtown Westfield redevelops, it is likely that more residential and nonresidential uses will be located next to each other. The symbiotic relationship between the differing uses should be beneficial to all property owners. As the downtown continues to revitalize and redevelop, the frequency of differing adjacent uses should intensify.

3. That the need for the variance of use arises from some condition particular to the property involved:



Finding: The subject property is located within the “Downtown Westfield” area, which anticipates conversions. Additionally, the subject property is located along Park Street, which has been identified in the Comprehensive Plan as a Downtown corridor where the conversion of property would be appropriate. The community’s desires for Downtown revitalization and redevelopment conflict with the MF-1 zoning on the subject property.

4. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

Finding: The MF-1 District permits residential uses, some recreational uses, and some institutional uses. The existing condition of the property affords the use of any of the “Permitted Uses” in the MF-1 District. Additionally, a limited number of professional office services are allowed as a home occupation in the MF-1 District. The zoning ordinance has not caused an unnecessary hardship for the use of the subject property – the property is able to be used residentially.

5. That such a variance does not interfere substantially with the comprehensive plan:

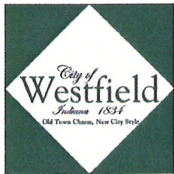
Finding: The Westfield-Washington Township Comprehensive Plan includes the subject property in the “Downtown” area of Westfield. The Comprehensive Plan indicates that the conversion of residential structures along Park Street to business uses is appropriate for the revitalization of Downtown Westfield. The requested variance of use follows the recommendations established by the Comprehensive Plan.

ADDITIONAL COMMENTS

None

APPLICABLE CONDITIONS of APPROVAL

1. That any wall signage shall comply with the Home Occupation signage standards, as prescribed in WC 16.08.010, F2 and F3;
2. That any monument signage shall comply with the following:
 - a. One (1) monument sign shall be permitted for the business;
 - b. The display area shall not exceed sixteen (16) square feet per face;
 - c. The monument sign, including any base and cap feature, shall not exceed four (4) feet in height from grade;
 - d. The monument sign shall not be internally lit;
3. That awning and projecting signs are prohibited;
4. That WC 16.08,010, J (Sign Area Bonus) shall not be available to this site;
5. That the structure and any additional site improvements comply with all ADA accessibility requirements;
6. That any HVAC unit (existing or new) be completely screened from view with fencing



WESTFIELD-WASHINGTON

BOARD OF ZONING APPEALS

May 13, 2008

0805-VU-01

Exhibit 1

or dense shrubs;

7. That foundation plantings be installed as follows:

- a. One (1) shrub per five (5) feet on all sides of the structure;
- b. At least three (3) different varieties of plants shall be used;
- c. No shrub with a mature height of ten (10) feet or more shall be used;

8. Plants may be clustered or grouped to create a more aesthetic appearance; and,

9. That any additional parking areas be screed using the Perimeter Parking Lot Landscaping standards, as prescribed in WC 16.06.070, B2.

RECOMMENDATIONS

Approve this request, with the listed applicable conditions, based on the findings of this report.

KMT



0805-VU-01
09-09-01-02-02-012.000
231 Poplar Street
Exhibit 2

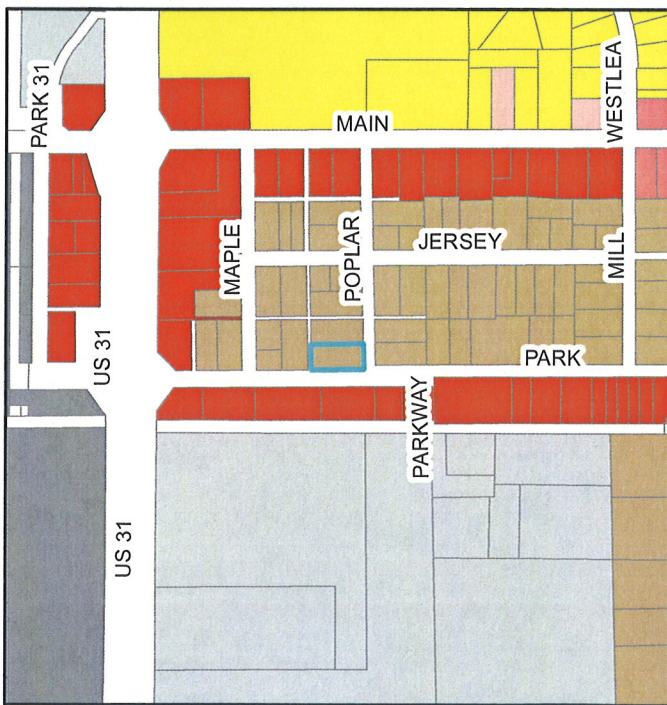


Aerial Location Map



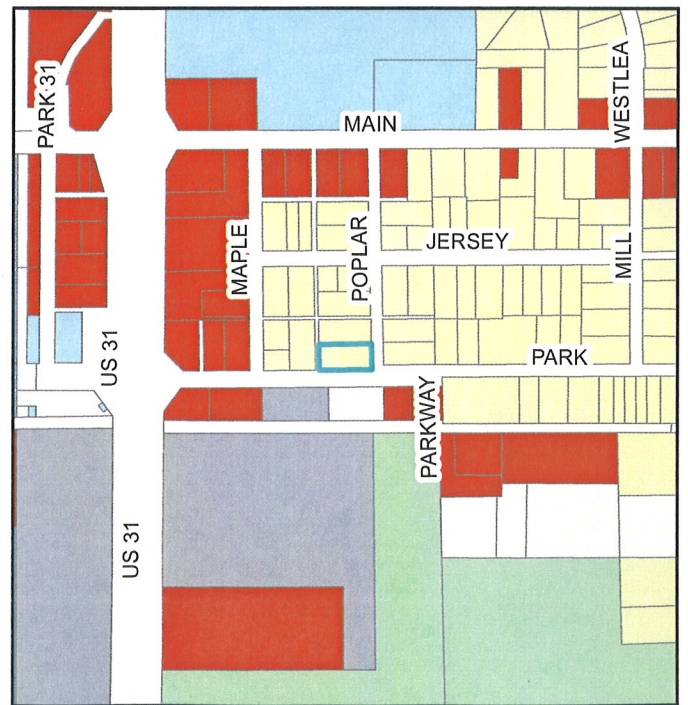
Site

Zoning Map



- | | |
|---------------------------|---------------------|
| Single Family - 3 | General Business |
| Multiple Family - 1 | Enclosed Industrial |
| Local Business | Open Industrial |
| Local Business Historical | |

Existing Land Use Map



- | | |
|---------------|------------|
| Residential | Industrial |
| Agriculture | Vacant |
| Institutional | |
| Commercial | |

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Official government site of Hamilton County, Indiana

Online Services

Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information provided by different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2007**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 09-09-01-02-02-012.000**Property Data**

Parcel Location	231 Poplar Street, Westfield
Taxing Unit	Westfield
Legal Description	ABEL DOANS 78.4
Section/Township/Range	S01 T18 R03
Subdivision Name	ABEL DOANS
Lot and Block	Lot 28 Block
Acres	0
Effective Frontage	78
Effective Depth	165
Property Class	One Family Dwelling Platted

Exterior Features and Out Buildings

1 Attached Garage,

1 Conventional Canopy, 2 Concrete Patio, 1 Masonry Stoop, 2 Roof Extension Canopy,

Property Owner as of April 30, 2007

Denari, Terry J & Douglas A Hayes T/C

Most Recent Valuation as of March 1, 2007

Assessed Value: Land	24600
Assessed Value: Improvements	79200
Total Assessed Value:	103800

Building 1, Card ID R01**Physical Characteristics**

Story Height	1.0
Attic	none
Basement	none
Crawl	approx. 3/4
Year Built	1960

Floor Construction

1.0 (first)	Sub and joists
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Floor Finish

1.0 (first)	Carpet, Vinyl tile
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Exterior Cover

1.0 (first)	Brick
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Interior Finish

1.0 (first)	Drywall
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Accommodations

Finished Rooms	7
Bedrooms	2

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	NO

Plumbing

Full Baths	1
Partial Baths	0

Fireplace

Fireplace Stacks	NO
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Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

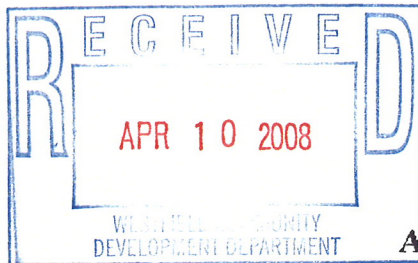
Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Finished Area
1.0 (first)	1141	1141

Garage

Garage Type	
Garage Square Footage	0

This application is developed and maintained by the Information System Services Department. If you have any questions or comments, please contact the [Webmaster](#).
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TOWN OF WESTFIELD, INDIANA

EXHIBIT 4

Petition Number:

Date of Filing:

0805-VU-01
4/10/08

Application for VARIANCE OF USE
Westfield – Washington Township
Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name David Leazenby - Artus Realty & Development, Inc.
 Address 1075 Broad Ripple Ave, Suite 230
Indianapolis, IN 46220
 Telephone Number 317-294-5125
2. Landowner's Name 231 Poplar St., LLC
 Address _____
 Telephone Number _____
3. *Representative _____
 *Address _____
 *Telephone Number _____
 *Email Address _____

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
NW corner of Park & Poplar
5. Legal description of property (list below or attach)
attached
6. Complete description of the nature of the variance of use applied for:
variance to allow for office uses within
the MF-1 district

TOWN OF WESTFIELD, INDIANA – VARIANCE OF USE APPLICATION

7. Plans drawn to scale must accompany this application and must show at least the following:
- The shape and dimensions of the land involved;
 - The location and dimensions of any existing buildings;
 - The location and dimensions of any proposed buildings or proposed alterations; and
 - All topographic, natural, or other unusual characteristics of the land involved.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of use shall be granted unless the BZA finds all of the following to be true:

- That the approval of such variance of use will not be injurious to the public health, safety, morals, and general welfare of the community:

- no exterior changes to the building are planned as part of this application

- property is located in proximity to other commercial uses and would be compatible

- That the use and value of the area adjacent to the property included in the variance of use will not be affected in a substantially adverse manner:

- conversion to office use will improve the value of the area

- That the need for the variance of use arises from some condition particular to the property involved:

- currently zoned MF-1, but suitable and compatible with GB uses.

TOWN OF WESTFIELD, INDIANA – VARIANCE OF USE APPLICATION

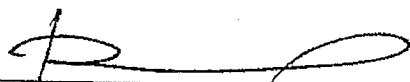
- d. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

- development of the property as multi-family is not currently an economically feasible option

- e. That such variance does not interfere substantially with the comprehensive plan:

- comp plan and other plans for the neighborhood favor new investment and intensity of use and redevelopment

The Applicant hereby certifies that the information contained in and accompanying this application is true and correct.


Applicant

SUBSCRIBED AND SWORN TO ME THIS _____ DAY OF _____, 20____.

Notary Public

My commission expires: _____

SURVEYOR LOCATION REPORT

This report was prepared only for:

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS REPORT IS NOT INTENDED TO REPRESENT A SURVEY, NOR IS IT INTENDED TO BE USED BY AND/OR BENEFIT THE BORROWER(S).



PROPERTY ADDRESS: 231 Poplar Street, Westfield, IN

PROPERTY DESCRIPTION: Lot 28 in Abel Doan's Addition to Westfield, as per plat thereof, recorded in Deed Record 49, page 516, in the Office of the Recorder of Hamilton County, Indiana.

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 18057 C 0120 F of the Flood Insurance Rate Maps, effective date February 19, 2003.

BORROWER(S): Frank M. Hahn



**HAHN SURVEYING
GROUP, INC.**

Surveyors & Engineers

2850 E. 96th St., Indianapolis, IN 46240

PHONE: (317) 846-0840 or (317) 846-4119

FAX: (317) 846-4298 or (317) 582-0662

Job No.: 080335

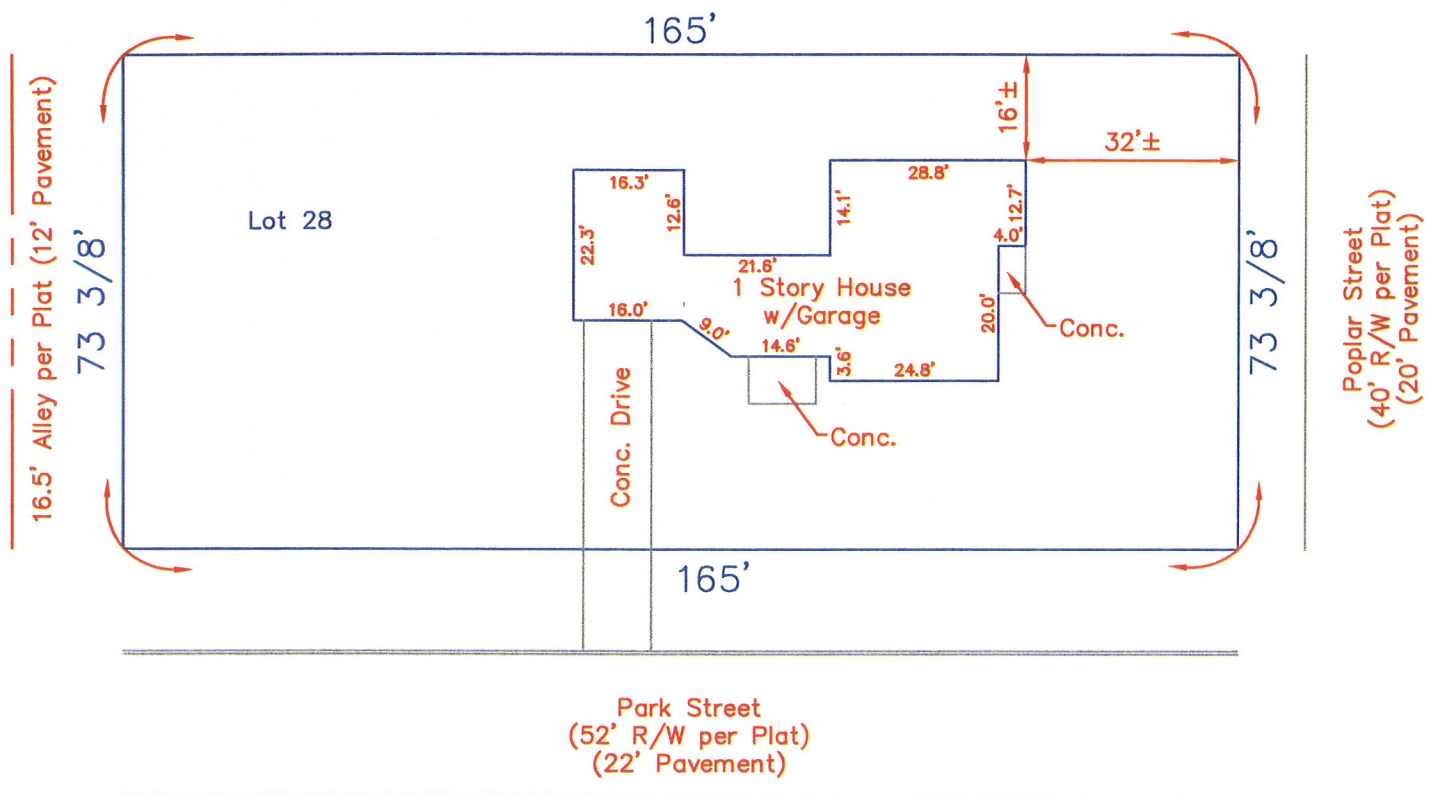
Sheet 1 of 2

SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.



Scale: 1"=30'



**HAHN SURVEYING
GROUP, INC.**

Surveyors & Engineers

2850 E. 96th St., Indianapolis, IN 46240

PHONE: (317) 846-0840 or (317) 846-4119

FAX: (317) 846-4298 or (317) 582-0662



CERTIFIED: March 26, 2008

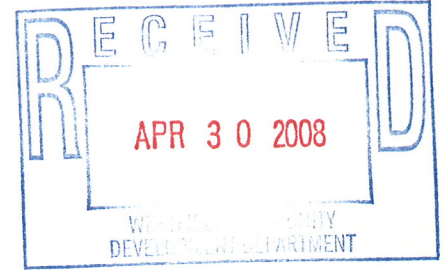
Chad D. Hahn

Chad D. Hahn
Registered Land Surveyor,
Indiana #20300031
Job No.: 080335
Sheet 2 of 2

April 28, 2008

City of Westfield
Board of Zoning Appeals

RE: 231 Poplar St. – Docket #0805-VU-01



To Whom It May Concern:

This letter is to provide written acknowledgement of consent for Artus Realty & Development, Inc. and David Leazenby to request a variance for the above mentioned property and to provide any subsequent representation in the pursuit thereof.

Sincerely,

Frank M. Hahn by Chad D. Hahn, authorized agent

Chad Hahn
FMH Family Limited Partnership